

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THREE BROTHERS TRADING LLC d/b/a
ALTERNATIVE EXECUTION GROUP,

Petitioner,

v.

GENEREX BIOTECHNOLOGY CORP.,

Respondent.

Civil Action No. 18-CV-11585 (KPF)

DECLARATION OF JOSEPH MOSCATO
IN SUPPORT OF RESPONDENT'S MEMORANDUM IN OPPOSITION
TO PETITIONER'S MOTION FOR RECONSIDERATION

I, Joseph Moscato, declare as follows:

1. I make this declaration based on my own personal knowledge of the financial condition and business activities of Generex Biotechnology Corporation ("Generex"), including several filings with the U.S. Securities and Exchange Commission ("SEC") that contain the financial statements and describe the activities of Generex. If called upon to testify as to the matters set forth in this declaration, I could and would competently testify thereto as the facts herein set forth are personally known to me.

2. I am the President, CEO, and a Board member of Generex and have been President, CEO, and a Board member of Generex since December 17, 2017.

3. As President and CEO of Generex, I am familiar with the contracts which Generex makes with other parties, Generex financial matters, the business activities of Generex, the issuance of securities of Generex, and legal proceedings by and against Generex including the legal proceedings and dealings with Petitioner in this matter.

4. Generex is a Delaware corporation with offices in Burlington, Ontario Canada, and Miramar, Florida, and is an integrated health care holding company with end-to-end solutions for patient-centric care from rapid diagnosis through delivery of personalized therapies. Generex has several subsidiaries engaged in the health care industry, as well as in research and development.

5. Contrary to representations and innuendos set forth in Petitioner's Motion for Reconsideration and supporting Memorandum, Generex has no plans to cease doing business, file for bankruptcy, or become inactive, and Generex intends to continue its operations in the health care industry indefinitely.

6. Recently, on June 15, 2020, Generex filed an S-1 registration statement with the SEC seeking to raise additional capital through the sale of a new issue of preferred stock of Generex, provided that the SEC approves the S-1 and the S-1 becomes effective. Generex also filed an S-1/A statement with the SEC on the same day relating to potential sales of securities. Preparing and filing the new S-1 took significant effort and expense on behalf of Generex and its staff, securities law firms, and accountants. A partial copy of the new S-1 is attached hereto as Exhibit A. A full copy of the S-1 can be viewed at the SEC's EDGAR website.¹ The S-1 provides a detailed history of Generex, its activities, its subsidiaries, and its agreements, among other matters.

7. Generex also recently filed several 8-K forms with the SEC describing its efforts in researching and attempting to develop a new vaccine for the Covid-19 virus and attaching letters of support for Generex's efforts from prominent members of the medical and business community, including, but not limited to, UC San Diego School of Medicine, Montefiore

¹ <https://www.sec.gov/Archives/edgar/data/1059784/000160706220000161/0001607062-20-000161-index.htm>.

Medical Center, Tufts Medical Center, and the Wake Forest School of Medicine. A form 8-K is an announcement to its shareholders of significant information in the activities of Generex as Generex is a public company whose stock is traded on the over-the-counter market. Copies of the 8-Ks are attached to hereto as Exhibits B through F and can be viewed on the SEC's EDGAR website.²

8. While Generex is engaged in litigation with other companies, as most public companies are, Generex believes that it has meritorious defenses to those lawsuits and is vigorously defending those cases, including the arbitration hearing in this matter scheduled for September 9, 10, and 11, 2020, concerning Petitioner's claim relating to Generex warrants.

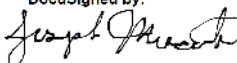
9. As a public company, Generex is required to file quarterly (10-Q) and annual (10-K) reports with the SEC that contain Generex's financial statements as prepared by its independent auditors, which constitute public information. The cautionary "going concern" language cited by Petitioner has appeared in several of Generex's 10-Qs and 10-Ks since 2017, as acknowledged by Petitioner in its Memorandum in Support. However, Generex continues -- and intends to continue -- business and to develop new products in the health care industry, despite the auditor's twelve-month going concern cautionary language in Generex's financial statements.

² Exhibit B is at <https://www.sec.gov/Archives/edgar/data/1059784/000160706220000063/gnbt031720form8k.htm>. Exhibit C is at <https://www.sec.gov/Archives/edgar/data/1059784/000160706220000176/gnbt061820form8k.htm>. Exhibit D is at <https://www.sec.gov/Archives/edgar/data/1059784/000160706220000153/gnbt061220form8k.htm>. Exhibit E is at <https://www.sec.gov/Archives/edgar/data/1059784/000160706220000158/gnbt061520form8k.htm>. Exhibit F is at <https://www.sec.gov/Archives/edgar/data/1059784/000160706220000171/gnbt061720form8k.htm>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June __, 2020

06/23/2020 | 1:19 PM PDT

DocuSigned by:


CB688BE1547D499...

Joseph Moscato